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**UNITED STATES DISTRICT COURT
 DISTRICT OF ARIZONA**

Johnny Wheatcroft and Anya Chapman, as
 husband and wife, and on behalf of minors J.W.
 and B.W.,

Plaintiffs,

v.

City of Glendale, a municipal entity; Matt
 Schneider, in his official and individual
 capacities; Mark Lindsey, in his official and
 individual capacities; and Michael Fernandez, in
 his official and individual capacities,

Defendants.

NO. 2:18-cv-02347-MTL

**DEFENDANTS' MOTION FOR
 LEAVE TO FILE UNDER
PARTIAL SEAL DEFENDANTS'
 MOTION FOR SUMMARY
 JUDGMENT, STATEMENT OF
 FACTS, AND ASSOCIATED
 EXHIBITS**

Defendants the City of Glendale, Matthew Schneider, Mark Lindsey, and Michael Fernandez ("Defendants"), respectfully request leave to file under partial seal their Motion For Summary Judgment, its associated Statement of Facts and exhibits associated with that Motion ("Defendants' Motion"). To be clear, undersigned counsel does not seek to seal the entire Motion for Summary Judgment, associated Statement of Facts and exhibits. Rather, Defendants, out of an abundance of caution for the minor Plaintiffs J.W. and B.W. in this action, seek leave to file a very small portions of Defendants' Motion under seal that addresses and analyzes the minor Plaintiffs' purported emotional distress that is claimed as a result of the incident giving rise to this action.

1 First, Defendants' Motion and associated exhibits contain potentially sensitive
2 information regarding the minor Plaintiffs J.W. and B.W. that undersigned counsel believe is
3 subject to an existing Protective Order (Doc. 114). Specifically, this information relates to
4 the minor Plaintiffs' J.W. and B.W.'s deposition testimony regarding their alleged emotional
5 distress as a result of the incident giving rise to this action, how it did or did not impact their
6 daily lives following the incident, and whether there were any medical issues that arose as a
7 result. As a result, undersigned counsel requests leave to file under seal their Summary
8 Judgment Motion, Statements of Fact, and Exhibits 20 (Robin Nash Depo), 21 (J.W. Depo.)
9 and 22 (B.W. Depo), and to file under seal portions of Exhibit 8 (Anya Chapman Depo.)

10 Second, within the statement of facts are reference to certain medical records
11 involving Johnny Wheatcroft following his treatment by Glendale Fire Department. In order
12 to protect the sensitive nature of such documents, which contain specific medical diagnosis
13 and potentially HIPPA protected information, Defendants also seek leave to file Exhibit 19
14 (Glendale Fire Department Records) under seal.

15 Third, the body camera videos of Officer Schneider and Officer Lindsey, as
16 well as the Motel 6 Surveillance Video, depicting the incident giving rise to this action,
17 contain, in part, the minor Plaintiffs and their reactions to the incident as it unfolded. Out of
18 an abundance of caution to the minor Plaintiffs, undersigned counsel seeks leave to file these
19 videos (Exhibits 9, 12, 13) under seal as well.

20 Finally, while undersigned counsel recognizes the Court's admonition that even
21 if the above information and/or evidence are subject to the Court's Protective Order (Doc.
22 114, p.7, n.2), that does not in and of itself justify a motion to seal. However, given the
23 limited and targeted nature of the above requests to seal in this matter and the nature of the
24 information subject to Defendants' request to be sealed, undersigned counsel submits that
25 compelling reasons and/or good cause exists to do so pursuant to *Kamakana v. City and County*
26 *of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006).

27 Therefore, leave is respectfully requested now to file Defendants' Motion For
28 Summary Judgment, Statement of Facts and associated exhibits with that Motion under

1 partial seal. A proposed Order is attached based on the foregoing.

2 DATED this 26th day of March, 2021.

3 JONES, SKELTON & HOCHULI, P.L.C.

4
5 By /s/ Joseph J. Popolizio

6 Joseph J. Popolizio

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11 Attorneys for Defendants

12
13
14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on this 26th day of March, 2021, I caused the foregoing
16 document to be filed electronically with the Clerk of Court through the CM/ECF System
17 for filing; and served on counsel of record via the Court's CM/ECF system.

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28 /s/Karen Gawel